

10-16-09 1F AF



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPLICATION OF

YAAKOV NAPARSTEK

SERIAL NUMBER: 09/826,069

FILED: APRIL 4, 2001

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GROUP ART UNIT: 1644

EXAMINER: G. EWOLDT

TITLE: PEPTIDES FOR THE TREATMENT  
OF SYSTEMIC LUPUS ERYTHEMATOSUS  
AND METHODS OF TREATING  
SYSTEMIC LUPUS ERYTHEMATOSUS

Pittsburgh, Pennsylvania  
October 15, 2009

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Lisa A. Mikula

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**TRANSMITTAL LETTER**

October 15, 2009

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P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find enclosed: Transmittal Form (1 pg.); Response to Notice of Non-Compliant Appeal Brief (54 pps.); an Express Mail Certification (1 pg.); and a Return Receipt Postcard; in respect to the application of Yaakov Naparstek.

Please send all correspondence in connection with this application to Meyer, Unkovic & Scott LLP, 535 Smithfield Street, 1300 Oliver Building, Pittsburgh, PA 15222.

Please be authorized to charge any fees and or credit any overpayments to deposit account 50-3325. The below-signed individual is an authorized user of said account.

Respectfully submitted,

*Debra Z. Anderson/tma*

Debra Z. Anderson  
Reg. No. 44,506

Meyer, Unkovic & Scott LLP  
535 Smithfield Street, Suite 1300  
Pittsburgh, PA 15222  
412-456-2818

Attorneys for Applicant

DZA/tma

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

57

Application Number

09/826,069

Filing Date

April 4, 2001

First Named Inventor

Yaakov Naparstek

Art Unit

1644

Examiner Name

G. EWOLDT

Attorney Docket Number

277707.100

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Transmittal Letter, Response to Notice of Non-Compliant Appeal Brief, Express Mail Certification, Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Meyer, Unkovic & Scott LLP		
Signature	<i>Debra Z. Anderson /fma</i>		
Printed name	Debra Z. Anderson		
Date	October 15, 2009	Reg. No.	44,506

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Lisa A. Mikula	Date	October 15, 2009

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAIL STOP APPEAL BRIEF – PATENTS

October 15, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Sir:

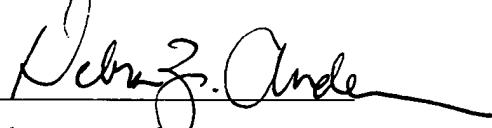
In response to the Notice of Non-Compliant Appeal Brief dated September 24, 2009, Appellant submits herewith an amended brief. The changes made to the brief are the following:

- 1) The Summary of Claimed Subject Matter was revised to include independent claim 11, and a citation to the page and line number in the specification for this claim.
- 2) The Grounds of Rejection was revised to indicate the rejection of claims 8-13 under Section 103 of the statute.

3) The Evidence Appendix was revised to indicate the date on which each affidavit was entered in the record.

Additionally, copies of all affidavits listed in the Evidence Appendix are included with this mailing. Reconsideration of all pending claims, claims 8-13, and advancement to allowance at an early date is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Debra Z. Anderson", written over a horizontal line.

Debra Z. Anderson  
Registration No. 44,506  
Attorney for Appellant  
Meyer Unkovic & Scott  
530 Smithfield Street  
Suite 1300  
Pittsburgh, PA 15219  
412.456.2818